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S.N. 10/815,788**REMARKS**

Claims 1-23 were pending in the case prior to amendment. Claims 21-23 stand withdrawn. Please add new claim 24. Claim 24 is supported in the specification; for example, in FIG. 2. No new matter is added.

Claims 1-13 stand rejected under 35 U.S.C. 112 as allegedly failing to comply with the enablement requirement. Claims 1-11, 13-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,784,967 to Kim et al. ("Kim") in view of U.S. Patent No. 6,784,457 to Yamazaki et al. ("Yamazaki"). Claims 12 and 16 stand objected-to, but would be allowable if amended to include the features of the base claim and any intervening claims.

In view of the amendments and remarks herein, the rejections are respectfully traversed. Reconsideration and allowance are respectfully requested.

I. Allowable Claims 12 and 16

The indication of allowable material is gratefully acknowledged.

II. The Claim Rejections**The Rejections under 35 U.S.C. 112**

Claims 1-12 stand rejected under 35 U.S.C. 112, as allegedly failing to comply with the enablement requirement.

Accordingly, claim 1 has been amended to refer to a passivation layer in general, rather than a "first" passivation layer. References to a "second passivation layer" are now amended to refer to "another passivation layer." Since the Office Action indicates that the defect in the claims lies only in the terms attributed to the claim features, the amendment renders the rejection under 35 U.S.C. 112 moot.

The Rejections under 35 U.S.C. 103(a)

Claims 1-11, 13-15, and 17-20 stand rejected as allegedly being unpatentable over Kim in view of Yamazaki. However, these rejections are improper for at least the reasons outlined below.

Claims 1-13

Claim 1 is patentable over Kim and Yamazaki because neither reference teaches nor suggests “the pixel electrode comprising a first part formed on a side of the passivation layer, the pixel electrode further comprising a second part contacting the color filter,” as recited in claim 1. A pixel electrode according to claim 1 may provide a substantial benefit: because the pixel electrode contacts the color filter, the passivation layer does not decrease the light transmittance through the pixel electrode.

Kim is directed to a different LCD configuration, and does not include a color filter on the lower substrate. Further, the passivation layer of Kim is different than the passivation layer of claim 1, since it is not formed on a color filter. Kim is directed to an in-plane switching mode liquid crystal display (an IPS-LCD). As described in the Background section of Kim and illustrated in 1-6, an IPS-LCD includes both pixel electrodes and common electrodes on the same substrate. For an IPS-LCD, the color filters are positioned on an upper substrate opposite a lower substrate including the TFTs, pixel electrodes, and common electrodes. FIG. 1 of Kim shows a configuration of an upper substrate 1 including a color filter 7, as well as a lower substrate 2 including a pixel electrode 4 and a common electrode 5.

Yamazaki does not remedy the deficiencies of Kim. Yamazaki teaches a configuration in which the entire color filter is formed under the color filter, and in which the color filter does not contact the color filter.

Claim 1 is further patentable over Kim and Yamazaki at least because there is no motivation to substantially modify the structures of Kim to include the features of claim 1.

In order to include the features of claim 1, the Office Action suggests substantial modifications to the configuration of Kim, suggesting on page 4 that “it would have been obvious to one of ordinary skill in the art to modify Kim’s device with the teaching of Yamazaki et al. to provide a color filter formed on the drain electrode and the data line in order to prevent light degradation of the active layer of the TFTs.”

Even assuming that the cited portion of Yamazaki provides motivation to provide a color filter on active layer 131 of Kim, it is not motivation to effectively re-design Kim to include the elements of Applicant’s claim; particularly to include a pixel electrode with

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a second part that contacts the color filter. Modifying Kim to include the features of claim 1 requires more than merely including a color filter on the substrate with the transistor structure; it recites a particular configuration for the color filter with respect to elements included on the substrate.

For at least the above reasons, there is no motivation to modify Kim to include the particular claimed combination of features recited in claim 1. Therefore, claim 1 would not have been obvious in view of the cited prior art.

Claims 2-13 depend from claim 1, and are therefore patentable for at least the same reasons as noted above with respect to claim 1.

Claims 14-20

Claim 14 includes features similar to those discussed above with regard to claim 1, and are therefore patentable for similar reasons.

Additionally, claims 14-20 are patentable over the cited references because Kim neither teaches nor suggests "a common electrode formed on the second substrate," as recited in claim 14. Further, modifying Kim to include a common electrode on the second substrate changes the principal of operation of Kim, and thus would not have been obvious under MPEP 2143.01(VI).

As noted above, Kim is directed to an IPS-LCD structure, in which an electric field is generated between a pixel electrode and a common electrode on the same substrate. Modifying Kim to include the features of claim 14 would change it from an IPS-LCD structure to an out-of-plane LCD structure. This alters the principal of operation of Kim, and thus would not have been obvious.

Claims 15-20 depend from claim 14, and are therefore patentable for at least the same reasons as noted above with respect to claim 14.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

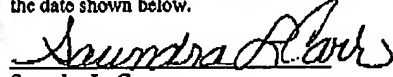
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Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

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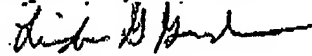
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.



Sandra L. Carr

Date of Signature: May 22, 2006

Respectfully submitted,



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